

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

MARK W. DOBRONSKI,

Plaintiff,

v.

ROMONZO ODRELL HILL,

Defendant.

Case No. **2:23-cv-11274-MFL-APP**

Honorable Matthew F. Leitman
United States District Judge

Honorable Anthony P. Patti
United States Magistrate Judge

RENEWED MOTION FOR ENTRY OF DEFAULT JUDGMENT

Plaintiff MARK W. DOBRONSKI (“Plaintiff”), appearing *in propria persona*, renews his request that entry of judgment by default be entered against Defendant ROMONZO ODRELL HILL (“Defendant”) pursuant to Federal Rule of Civil Procedure 55(b). In support of this request, Plaintiff relies upon the record in this case, and the attached brief and affidavit submitted herein.

Respectfully submitted,



Date: March 7, 2024

Mark W. Dobronski
Post Office Box 222
Dexter, Michigan 48130-0222
Telephone: (734) 330-9671
Email: markdobronski@yahoo.com
Plaintiff *In Propria Persona*

CONCISE STATEMENT OF ISSUES PRESENTED

1. Is default judgment warranted in this case given the failure to answer, defend, or otherwise participate by the Defendant?

Plaintiff says: YES.

2. What is the amount of damages to be awarded to Plaintiff?

Plaintiff says: \$77,000.00.

MOST RELEVANT AUTHORITIES

Antoine v. Atlas Turner, Inc., 66 F.3d 105, 110-11 (6th Cir. 1995).

Mey v. Phillips, 71 F.4th 203, 225 (4th Cir. 2023).

Visioneering Construction v. U.S. Fidelity and Guaranty, 661 F.2d 119, 124 (6th Cir. 1981)

Fed.R. Civ.P. 55

47 U.S.C. § 227

M.C.L. § 445.111

M.C.L. 484.125

Fla. Stat. § 501.059

47 C.F.R. § 64.1200

47 C.F.R. § 64.1601(e)

BRIEF IN SUPPORT OF MOTION

Factual Background: The Complaint filed by Plaintiff alleges violations of the Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. § 227, and regulations promulgated thereunder. Additionally, the Complaint alleges violations of the Florida Telemarketing Sales Act (“FTSA”), Fla. Stat. § 501.059. [ECF No. 1, PageID.1, ¶ 1].

The Plaintiff in this case, Mark W. Dobronski, received seven (7) telephone solicitation calls to his residential telephone line – 407-***-0222. [ECF No. 1, PageID.18-30, ¶¶ 57-68]. Upon answering each call, Plaintiff noted a 5-6 second delay from the time that Plaintiff said “hello” and then heard a pre-recorded voice message stating “Hello, This is Susan. I’m a Medicare health care advisor on a recorded line. Can you hear me OK?” [ECF No. 1, PageID.18, ¶ 58]. Plaintiff’s residential telephone number is listed on the National Do Not Call Registry at all time relevant hereto. [ECF No. 1, PageID.11, ¶ 29]. Neither Defendant, nor anyone else acting for Defendant, had “prior express consent” or “prior express written consent” to initiate any telephone call that constitutes telemarketing using an artificial or pre-recorded voice to Plaintiff’s residential telephone number. [ECF No. 1, PageID.13, ¶ 37]. During none of the calls did the calling party, at the beginning of the call, provide the name of the entity on whose behalf the call is being made, not a telephone number or address at which the entity may be contacted. [ECF No. 1, PageID.23, ¶ 87]. After each call, Plaintiff would

dial back the caller identification number displayed and would receive a recorded message that the telephone number is not in service. [ECF No. 1, PageID.19, ¶ 62]. Eventually, during one call, Plaintiff was able to be connected to Defendant Hill, who is a license insurance agent in the State of Florida. [ECF No. 1, PageID.20, ¶ 66].

Procedural Background: Plaintiff initiated this case on May 31, 2023 with the filing of his complaint. [ECF No. 1]. Service of the summons and complaint was effected upon Defendant on September 8, 2023. [ECF No. 8]. The Defendant had until September 29, 2023 to answer or otherwise respond to the Complaint. Fed.R.Civ.P. 12(A)(1)(i). On October 2, 2023, Plaintiff filed a Request for Clerk's Entry of Default [ECF No. 9]. On October 3, 2023, a Clerk's Entry of Default as to Defendant was entered. [ECF No. 10]. On October 10, 2023, Plaintiff filed a Motion for Entry of Default Judgment. [ECF No. 11] ("Motion"). On February 12, 2024, this Court entered an Order setting a hearing upon the Motion to be held on February 29, 2024.

On February 29, 2024, a motion hearing was held before this Court, at which time Plaintiff appeared *in propria persona*, and Defendant failed to appear. At the time of the hearing, the Court, *sua sponte*, expressed concern as to why the Complaint recites that Defendant resides in Jacksonville, Florida [ECF No. 1, PageID.2, ¶ 5], but that the Proof of Service [ECF No. 8] reflects that Defendant was served in Georgia. Further, the Court noted that the Complaint seeks damages resultant from multiple

violations per call. The Court requested that Plaintiff provide authority which supports that the Court may award damages for multiple violations per call. As a result, the Court ruled from the bench denying the Motion *without prejudice* and instructing that Plaintiff may re-file the motion for default judgment including addressing the issues that the Court identified during the motion hearing. [ECF No. 16].

Jurisdiction: This Court has subject matter jurisdiction over the civil claim as the case involves a question of federal law. 28 U.S.C. § 1331. [ECF No. 1, PageID.2, ¶ 6]. Additionally, this Court has supplemental jurisdiction over the state law claims because they are related to the federal law claims. 28 U.S.C. § 1367. [*Id.*] This district is an appropriate venue as the subject telephone solicitations complained of herein were received by Plaintiff while in this judicial district. 28 U.S.C. § 1391(b)(2). [ECF No. 1, PageID.2, ¶ 8]. The Court has limited personal jurisdiction over Defendant as a result of the Defendant doing or causing any act to be done, or consequences to occur, in the state resulting in an action for tort; and/or contracting to insure any person, property, or risk located within this state at the time of contracting. M.C.L. § 600.715. [ECF No. 1, PageID.2, ¶ 7].

Once a default is entered against a defendant, that party is deemed to have admitted all of the well pleaded allegations in the Complaint, including jurisdictional

averments. *Visioneering Construction v. U.S. Fidelity and Guaranty*, 661 F.2d 119, 124 (6th Cir. 1981).

Service of Process: At the time of filing the initial Complaint (May 31, 2023), Plaintiff's research disclosed that Defendant Hill resided at 8540 Homeplace Drive, Apartment 1313, Jacksonville, Florida 32256. See Exhibit 1. Plaintiff's process server attempted service at that address, but learned that Hill was unknown and that the present occupant of that apartment had been there for 9 months. See Exhibit 2. Further research revealed another apartment number at the same address (Apartment 1326) that Hill apparently resided at. See Exhibit 3. On July 17, 2023, Plaintiff's process server then attempted service at the alternate apartment number, again without success. See Exhibit 4. On August 10, 2023, Hill renewed his insurance produced license with the State of Michigan, Department of Insurance and Financial Services, at which time Hill showed a new residence address of 130 Shepards Way, Thomasville, Georgia 31757. See Exhibit 5. Plaintiff also performed a skip search and learned that, on April 24, 2023, Hill renewed the registration on his 2009 Honda Accord and showed his residence address as 130 Shepards Way, Thomasville, Georgia 31757. See Exhibit 6. Accordingly, on September 8, 2023, Plaintiff's process server served Hill by substitute service upon Cynthia Stevens, who at the time of service stated that Hill resides at the address and that she was his mother. [ECF No. 8].

Fed. R. Civ. P. 4(e)(2)(B) provides that an individual may be served by “leaving a copy of [the summons and of the complaint] at the individual's dwelling or usual place of abode with someone of suitable age and discretion who resides there.”

Injury: Plaintiff did not consent to these calls. [ECF No. 1, PageID.12, ¶¶ 33-34; PageID.13, ¶¶ 37-38]. Plaintiff found the calls invasive of his privacy and intrusive on his right of seclusion. [ECF No. 1, PageID.14-15, ¶¶ 43].

Damages: Damages for violations of the TCPA are set by statute at \$500 *per violation*, which can be trebled if the Court finds the conduct to be knowing and/or wilful. 47 U.S.C. § 227(b)(3), (c)(5). To demonstrate that the conduct was knowing and/or willful, the plaintiff need merely prove that the defendant acted voluntarily and under its own free will, regardless of whether the defendant knew it was acting in violation of the statute. *Charvat v. Ryan*, 116 Ohio St. 3d 394 (Ohio 2007), *quoting* 47 U.S.C. § 312(f)(1).

The TCPA promulgates at 47 U.S.C. § 227(b)(3):

“A person or entity may, if otherwise permitted by the laws or rules of court of a State, bring in an appropriate court of that State—

(A)an action based on a **violation of this subsection or the regulations prescribed under this subsection** to enjoin such violation,

(B)an action to recover for actual monetary loss from such a violation, or to receive \$500 in damages **for each such**

violation, whichever is greater....”

47 U.S.C. 227(b)(3). (Emphasis added).

The TCPA promulgates at 47 U.S.C. 227(c)(5):

“A person who has received more than one telephone call within any 12-month period by or on behalf of the same entity in **violation of the regulations prescribed under this subsection** may, if otherwise permitted by the laws or rules of court of a State bring in an appropriate court of that State—

(A)an action based on a violation of the regulations prescribed under this subsection to enjoin such violation,

(B)an action to recover for actual monetary loss from such a violation, or to receive up to \$500 in damages **for each such violation**, whichever is greater....”

Because the plain language of the TCPA allows a person to recover “\$500 in damages for each ... violation of this subsection,” a plaintiff can recover separate penalties under separate sections of the TCPA even if the violations occurred in the same telephone call. *Mey v. Phillips*, 71 F.4th 203, 225 (4th Cir. 2023). *See, also, Lary v. Trinity Physician Fin. & Ins. Servs.*, 780 F.3d 1101, 1106 (11th Cir. 2015) (recognizing that one call can trigger multiple violations of the TCPA); *Cunningham v. Select Student Loan Help, LLC*, 2018 WL 3433293, at *2 (M.D.Tenn., 2018) (holding that plaintiffs may recover \$500 in damages for each violation of each of the provisions of the TCPA and that sum may be tripled if the defendant's violation was

knowing or willful and awarding a default judgment against the defaulted defendants jointly and severally the amount of \$249,000).

Damages for violations of the FTSA are set by statute at \$500 per violation, which can be trebled if the Court finds the conduct to be knowing and/or willful. Fla. Stat. § 501.059(10). The fact that each of the alleged calls displayed a caller identification number with a central Florida area code (407) evidences that each of the calls was initiated from within Florida. [ECF No. 1, PageID.18, ¶ 57].

A detailed calculation of damages appears in the Complaint. [ECF No. 1, PageID.25-26]. The Complaint sets forth that the total amount of damages being sought is \$77,000.00. [ECF No. 1, PageID.26].

When a defendant is in default, the well pleaded factual allegations in the Complaint, except those relating to damages, as taken as true. *Thomson v. Wooster*, 114 U.S. 105, 5 S.Ct. 788, 29 L.Ed. 105 (1885); *Antoine v. Atlas Turner, Inc.*, 66 F.3d 105, 110-11 (6th Cir. 1995). Fed.R.Civ.P. 55 does not require presentation of evidence as a prerequisite to the entry of a default judgment, although it empowers the court to conduct such hearings as it deems necessary and proper to enable it to enter judgment or carry it into effect. See: Wright, Miller & Kane, *Federal Practice and Procedure*, Civil 3rd § 2688. Accordingly, this court should accept as true all factual allegations contained in the Complaint, and finding those allegations sufficient to support a finding

of liability as to defendant, the Court should enter judgment.

In support of this motion, attached at EXHIBIT 7, is the Affidavit of Mark W. Dobronski.

CONCLUSION

Defendant decided to make telemarketing robocalls to Plaintiff, whose cellular telephone number is listed on the National Do Not Call Registry, without his consent. Defendant decided not to defend this lawsuit. Accordingly, entry of default judgment is appropriate.

WHEREFORE, Plaintiff Mark W. Dobronski respectfully prays for entry of a judgment in the amount of \$77,000.00 for damages, costs and fees, and such additional relief as this Court deems just and proper.

Respectfully submitted,



Date: March 7, 2024

Mark W. Dobronski
Post Office Box 222
Dexter, Michigan 48130-0222
Telephone: (734) 330-9671
Email: markdobronski@yahoo.com
Plaintiff In Propria Persona

CERTIFICATE OF SERVICE

I hereby certify that on **March 7, 2023**, I caused copy of the foregoing *Renewed Motion for Entry of Default Judgment* to be sent in a sealed envelope, with first-class postage fully prepared thereupon, and deposited in the United States Mail, addressed as follows:

Romonzo Odrell Hill
130 Shepards Way
Thomasville, Georgia 31757-2574



Mark W. Dobronski

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
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United States District Judge

Honorable Anthony P. Patti
United States Magistrate Judge

INDEX OF EXHIBITS

- EXHIBIT 1:** PeopleMap Report dated 05/22/2023 re: Romonzo Odrell Hill
- EXHIBIT 2:** Proof of Non-Service at 8540 Homeplace Drive, Apartment 1313, Jacksonville, Florida 32256.
- EXHIBIT 3:** Articles of Organization for R&R Companion Services LLC
- EXHIBIT 4:** Proof of Non-Service at 8540 Homeplace Drive, Apartment 1326, Jacksonville, Florida 32256.
- EXHIBIT 5:** Insurance Producer License Renewal Information as of 08/10/2023 for Romonzo Odrell Hill
- EXHIBIT 6:** Vehicle Registration information for Romonzo Odrell Hill
- EXHIBIT 7:** Affidavit of Mark W. Dobronski in Support of Renewed Motion for Entry of Default Judgment

EXHIBIT 1

Possible People Information

Person Overview

ROMONZO O HILL

8540 HOMEPLACE DR APT 1313

JACKSONVILLE, FL 32256-1929 | DUVAL County

Phone Number(s):

229-228-1781

850-893-1842

229-228-7810

SSN:

254-19-XXXX - issued in GA in 1974-1975

DOB:

04/XX/1974 (Age: 49)



Date of Birth Summary

Date of Birth	Source
04/XX/1974 (Age: 49)	Address Historical #1 Address Historical #2 Experian Credit Header Experian Credit Header Real Time People Find People Historical People Household

SSN Summary

SSN	Source
254-19-XXXX - issued in GA in 1974-1975	Bank Account Header Records Equifax Credit Header Experian Credit Header Real Time People Find People Historical
251-19-XXXX - issued in SC in 1973-1974	Experian Credit Header Experian Credit Header Real Time

Name Variations

Name	Source
ROMONZO HILL	Criminal&Infraction Equifax Credit Header Experian Credit Header Experian Credit Header Real Time New Movers Professional License

EXHIBIT 2

Civil Action No. **2:23-CV-11274-MFL-APP**

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for **ROMONZO ODRELL HILL**
was recieved by me on **6/06/2023**:

- ☐ I personally served the summons on the individual at *(place)* on *(date)* ; or
- ☐ I left the summons at the individual's residence or usual place of abode with *(name)* , a person of suitable age and discretion who resides there, on , and mailed a copy to the individual's last known address; or
- ☐ I served the summons on *(name of individual)* , who is designated by law to accept service of process on behalf of *(name of organization)*; or
- ☒ I returned the summons unexecuted because **Unknown** after attempting service at **8540 Homeplace Drive APT 1313, Jacksonville, FL 32256**; or
- ☐ Other *(specify)*

My fees are \$ 0 for travel and **\$ 75.00** for services, for a total of **\$ 75.00**.

I declare under penalty of perjury that this information is true.

Date: 06/13/2023



Server's signature

Belinda Fowler

Printed name and title

**P. O. Box 12563
Jacksonville, FL 32209**

Server's address

Additional information regarding attempted service, etc:

6/9/2023 7:25 PM: I was unable to access the address due to storm.

6/12/2023 10:56 AM: I spoke with an individual who identified themselves as the resident and they stated subject unknown.



Tracking #: 0108265547



EXHIBIT 3

**Electronic Articles of Organization
For
Florida Limited Liability Company**

**L17000123984
FILED 8:00 AM
June 06, 2017
Sec. Of State
cmwood**

Article I

The name of the Limited Liability Company is:

R & R COMPANION SERVICES LLC

Article II

The street address of the principal office of the Limited Liability Company is:

8540 HOMEPLACE DR
1326
JACKSONVILLE, FL. US 32256

The mailing address of the Limited Liability Company is:

8540 HOMEPLACE DR
1326
JACKSONVILLE, FL. US 32256

Article III

The name and Florida street address of the registered agent is:

ROMONZO HILL
8540 HOMEPLACE DR
1326
JACKSONVILLE, FL. 32256

Having been named as registered agent and to accept service of process for the above stated limited liability company at the place designated in this certificate, I hereby accept the appointment as registered agent and agree to act in this capacity. I further agree to comply with the provisions of all statutes relating to the proper and complete performance of my duties, and I am familiar with and accept the obligations of my position as registered agent.

Registered Agent Signature: ROMONZO HILL

Article IV

The name and address of person(s) authorized to manage LLC:

Title: MGR
ROMONZO HILL
8540 HOMEPLACE DR
JACKSONVILLE, FL. 32256 US

L17000123984
FILED 8:00 AM
June 06, 2017
Sec. Of State
cmwood

Article V

The effective date for this Limited Liability Company shall be:

06/05/2017

Signature of member or an authorized representative

Electronic Signature: ROMONZO HILL

I am the member or authorized representative submitting these Articles of Organization and affirm that the facts stated herein are true. I am aware that false information submitted in a document to the Department of State constitutes a third degree felony as provided for in s.817.155, F.S. I understand the requirement to file an annual report between January 1st and May 1st in the calendar year following formation of the LLC and every year thereafter to maintain "active" status.

EXHIBIT 4

Civil Action No. **2:23-CV-11274-MFL-APP**

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

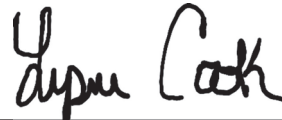
This summons for **ROMONZO ODRELL HILL**
was recieved by me on **7/15/2023**:

- ☐ I personally served the summons on the individual at *(place)* on *(date)* ; or
- ☐ I left the summons at the individual's residence or usual place of abode with *(name)* , a person of suitable age and discretion who resides there, on , and mailed a copy to the individual's last known address; or
- ☐ I served the summons on *(name of individual)* , who is designated by law to accept service of process on behalf of *(name of organization)*; or
- ☒ I returned the summons unexecuted because **Unknown** after attempting service at **8540 HOMEPLACE DR APT 1326, JACKSONVILLE, FL 32256**; or
- ☐ Other *(specify)*

My fees are \$ 0 for travel and **\$ 75.00** for services, for a total of **\$ 75.00**.

I declare under penalty of perjury that this information is true.

Date: 07/17/2023



Server's signature

Lysne Cook

Printed name and title

**6204 Colgate Road
Jacksonville, FL 32217**

Server's address

Additional information regarding attempted service, etc:

7/17/2023 4:54 PM: I spoke with an individual who identified themselves as the resident and they stated subject unknown. At the address I observed a call/mail box listing another. I spoke with a neighbor who says not resident. Current resident states her name is Maya, she has lived here for approximately nine months and has no idea who the subject is. Address provided is in a very secure building with callbox access only, and the subject's name is not on the box. Vehicle registered to the subject not seen in the parking lot either.



Tracking #: 0110396178



EXHIBIT 5

Agent Detail

Name: ROMONZO ODRELL HILL

System ID#: 1233115

NPN: 19702565

Status: Active

Demographics

Business Address

Business Address:

130 SHEPARDS WAY

THOMASVILLE, GA 31757

Business Phone: 229-319-9423

Business Fax: 229-319-9423

Business Email: romonzo@gmail.com

Website:

Mailing Address

Mailing Address:

THOMASVILLE, GA 31757

Other Names Used

License Information

License	Expiration Date	History	Status	Status Date
Non-Resident Producer	None	History	Active	08/10/2023

EXHIBIT 6

Motor Vehicle Record

Source Information

Coverage Begin Date:	01/01/2011
Information Current Through:	02/06/2024
Database Last Updated:	02/10/2024
Update Frequency:	2X MONTHLY
Current Date:	03/06/2024
Source:	DEPT. OF REVENUE, MOTOR VEHICLE DIVISION

Vehicle Information

VIN:	1HGCP36819A024551
Vehicle Type:	PASSENGER CAR
Model Year:	2009
Make:	HONDA
Body Style:	SEDAN 4D 5P
Model/Series:	ACCORD EX L V 6 EX L V 6 W/NAVI
Primary Color:	WHITE

Registration Information

License Plate Number:	RLB6816
Issuing State:	GA
Plate Type:	PRIVATE
Previous Plate Number:	RLB6816
Previous Plate State:	GA
Registration Renewal Date:	04/24/2023
Expiration Date:	04/21/2024
Registrant(s) Since:	04/13/2018
Name:	ROMONZO ODRELL HILL
Interest:	REGISTRANT
Mailing Address:	130 SHEPARDS WAY THOMASVILLE, GA 31757-2574
County:	THOMAS
Physical Address:	130 SHEPARDS WAY THOMASVILLE, GA 31757-2574
County:	THOMAS

Title Information:

Original Title Date:	04/13/2018
Title Number:	0231181033022
Name:	ROMONZO ODRELL HILL
Interest:	OWNER
Title Transaction Date:	04/13/2018
Mailing Address:	130 SHEPARDS WAY THOMASVILLE, GA 31757-2574
County:	THOMAS
Physical Address:	130 SHEPARDS WAY THOMASVILLE, GA 31757-2574
County:	THOMAS

Historical DMV Record 1

Registration Renewal Date:	04/15/2022
Expiration Date:	04/21/2023

EXHIBIT 7

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

MARK W. DOBRONSKI,

Plaintiff,

v.

ROMONZO ODRELL HILL,

Defendant.

Case No. **2:23-cv-11274-MFL-APP**

Honorable Matthew F. Leitman
United States District Judge

Honorable Anthony P. Patti
United States Magistrate Judge

**AFFIDAVIT OF MARK W. DOBRONSKI
IN SUPPORT OF
RENEWED MOTION FOR ENTRY OF DEFAULT JUDGMENT**

State of Michigan)
) ss;
County of Washtenaw)

MARK W. DOBRONSKI, being first duly sworn, does depose and state as follows:

1. I am the Plaintiff *pro se* in the above-entitled action and I am familiar with the file, records and pleadings in this matter.
2. If sworn as a witness, I can testify competently to the facts set forth herein.
3. I have read the Complaint and am familiar with the facts set forth therein, and as to those facts I believe them to be true.

4. The summons and complaint were served upon the Defendant on September 8, 2023.

5. An answer to the complaint was due on September 29, 2023. No response was served within the time allowed by law nor has the Defendant sought additional time within which to respond.

6. The default of Defendant was entered by the Clerk on October 3, 2023.

7. Upon information, knowledge, and belief, the Defendant is not in active military service, is not an infant, and is not an incompetent person.

8. The claim of the Plaintiff is for damages under the Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. § 227, *et seq.*, and the Florida Telemarketing Sales Act (“FTSA”), Fla. Stat. § 501.059, stemming from a series of seven telephone solicitation calls initiated by Defendant or Defendant’s agent to Plaintiff’s residential telephone line without consent.

9. Damage amounts are set by respective statutes. The complaint alleges 35 violations of the TCPA, at \$500.00 per violation, which amount shall be trebled because the violations were willful and/or knowing; and, 7 violations of the FTSA at \$1,000.00 per violation, which amount shall be trebled because the violations were willful and/or knowing.

10. The total dollar amount of damages sought by the Complaint is for a sum

certain in the amount of \$77,000.00, plus interest from the date of judgment as provided by law, together with the costs of this action.

Mark W. Dobronski
Mark W. Dobronski

Subscribed and sworn to before me
this 7th day of March, 2024.

Kellie L Labadie

